

REMARKS

The Office Action mailed July 18, 2005, has been reviewed and the Examiner's comments carefully considered. The allowance of claims 7-12 and 14-18 is noted with appreciation. Claims 1, 7-12 and 14-25 remain pending. Reconsideration of the present application is respectfully requested.

Claim Rejections under 35 U.S.C. § 102

Claims 19-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,996,421 ("Husby"). The rejection should be withdrawn because Husby does not disclose, teach or suggest each and every element of claims 19-24.

For example, Husby fails to teach a carriage comprising "an opening adapted to receive the webbing of the seat belt, wherein said opening cooperates with a corresponding opening in said first portion of the seat belt tension sensor; and a protrusion extending from said carriage, wherein with said carriage is installed in the seat belt tensioner, said protrusion extends beyond an outer surface bounding said first portion of the seat belt tension sensor and spanning across said opening in said first portion of the seat belt tension sensor" as claimed in independent claim 19.

Husby discloses a "seat belt hold-down bracket 22" having a "trough-like slide 40" retained in an upper opening 43 of the hold down bracket plate 22. (See Col. 3, lines 31-33.) The Examiner contends that the slide 40 of Husby corresponds to the carriage of claim 19. The claimed carriage includes "an opening adapted to receive the webbing of the seat belt." The slide 40 does not include such an opening. The slide 40 has an opening adapted to receive a spring 36 and, not, "the webbing of the seat belt" as called for in claim 19. Husby discloses that a flexible seat belt 38 loops through the upper opening 43 in the bracket 22 not through the slide 40. (See Col. 3, lines 34-35.) The Examiner seems to suggest that an exterior surface of the slide 40 is "an opening." (See Office Action at paragraph 4., "between lower ends of sides 47"). The examiner's position is completely at odds with the present application and the conventional definition of "an opening." Reconsideration and withdrawal of the rejection is respectfully requested.

Further, by way of example, Husby fails to disclose, teach or suggest “a protrusion extending from said carriage, wherein with said carriage is installed in the seat belt tensioner, said protrusion beyond an outer surface bounding said first portion of the seat belt tension sensor and spanning across said opening in said first portion of the seat belt tension sensor” as claimed in claim 19. The Examiner has not identified any “protrusion” disclosed by Husby. There is only a general reference to Fig. 2 of Husby. (See Office Action at paragraph 4). The Examiner’s failure to identify the “protrusion” with particularity is not surprising because Husby fails to disclose, teach or suggest this element of claim 19. Accordingly, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection of claim 19 is respectfully requested.

Claims 20-24 depend from claim 19 and are allowable, for at least the reasons set forth above, without regard to further patentable limitations contained therein. Furthermore, the Examiner has failed to address the limitations of claims 20 and 22-24. If the rejection of these claims is to be maintained, Applicant is entitled to a non-final Office Action addressing the claim limitations. Reconsideration and withdrawal of the rejection of claims 20-24 is respectfully requested.

Claim Rejections under 35 U.S.C. § 103

Claims 1 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,301,977 (“Stojanovski”) in view of Husby. The rejection should be withdrawn because Stojanovski and Husby (alone or in combination) do not teach, disclose or suggest each and every limitation of the claimed invention.

The Examiner admits that Stojanovski does not disclose, teach or suggest a method or apparatus of attaching a seat belt tension sensor by adapting the opening in the first portion of the seat belt tension sensor to be “sufficiently wider” than the opening of the carriage so that the webbing is prevented from contacting or rubbing a side of the opening in the first portion of the seat belt tension sensor as claimed in claims 1 and 25. As explained above, Husby fails to cure the deficiencies of Stojanovski. Specifically, Husby does not disclose a carriage having an opening as claimed in the claims 1 and 25. Thus, the rejection should be withdrawn.

Furthermore, even assuming *arguendo* that Husby does disclose a carriage with an opening for a seat belt, the rejection is still defective because there is no proper motivation for modifying Stojanovski as suggested by the Examiner. The Examiner contends that one of ordinary skill in the art would have been motivated to modify Stojanovski “in order to better restrain the sides of the seat belt from touching the tension sensor.” However, the only evidence in the record that the opening of the first portion of belt tension sensor should be wider than the opening in the carriage is contained in the present application. Any reliance by the Examiner on the present application would constitute impermissible hindsight reasoning. Thus, for this additional reason, the rejection should be withdrawn. Reconsideration and withdrawal of the rejection of claims 1 and 25 is respectfully requested.

Conclusion

The present application is now believed to be in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

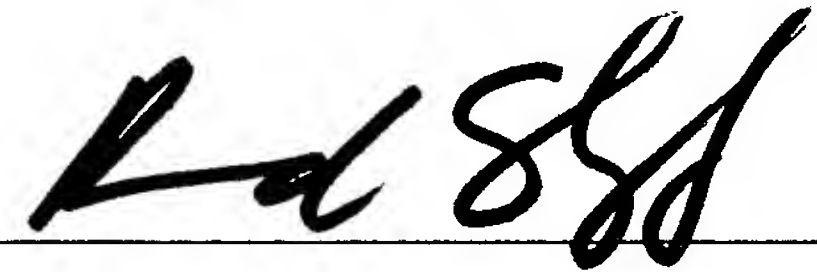
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date October 18, 2005

By



FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5582
Facsimile: (202) 672-5399

Howard N. Shipley
Attorney for Applicant
Registration No. 39,370